



City Council Agenda Item Report

June 4, 2013

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SUBJECT: HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS IN REGARD TO AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO ESTABLISH THE INITIAL ZONING, PROPOSED AS INTERSTATE COMMERCIAL/OFFICE/RETAIL (C3/R3), ON APPROXIMATELY 34.19 ACRES OF LAND GENERALLY LOCATED EAST OF OLD SAN ANTONIO ROAD, NORTH OF MAIN STREET, WEST OF INTERSTATE HIGHWAY 35 AND SOUTH OF MANCHACA SPRINGS ROAD.

1. BACKGROUND/HISTORY

This is the public hearing for amending the official zoning map of the City of Buda to establish the initial zoning on approximately 34.19 acres of land generally located north of Main Street, west of IH 35, and east of Old San Antonio Road. This public hearing is being held in accordance with the requirements of Texas Local Government Code and the City of Buda Unified Development Code as they pertain to public hearings for zoning changes.

The proposed tract was annexed on April 30th in accordance with the City's Growth Plan. Once annexed, the property defaults to AG-Agricultural unless a separate initial zoning ordinance follows the annexation. This agenda item is for the initial zoning of the above listed property, more particularly shown in the attached maps.

2. FINDINGS/CURRENT ACTIVITY

The area contains a mixture of vacant land and developed commercial property. Existing uses would be allowed to continue their uses, except for the sale of fireworks, being as it is the only use that a municipality may cease upon annexation of such land. Any legally non-conforming uses would be subject to the requirements of the City's Unified Development Code regarding legally non-conforming uses. Generally speaking, legally non-conforming uses can continue to operate, but are not allowed to expand the degree of the non-conforming use.

Prior to being in the city limits, the subject parcels were partially surrounded by land that was already incorporated and zoned, forming a donut hole of territory without any land use regulations in place. The surrounding land that has been in the city limits is designated as Interstate Commercial/Office/Retail (C3/R3). The land subject to the current zoning procedures is proposed to be designated as Interstate Commercial/Office/Retail (C3/R3) as well.

The C3/R3 zoning designation is being proposed in order to be consistent with existing, adjacent land uses and the Future Land Use Map as found in the most recent Comprehensive Plan. The Future Land Use Map identifies these parcels as being within the Interstate Corridor and therefore the C3/R3 zoning designation appears to be most appropriate for the purpose of land use regulation. The Comprehensive Plan also identifies these areas as being within the larger Regional Node, which is intended to develop as a regional commercial center.

The following figure from the Comprehensive Plan discusses compatibility of development types with each land use character district:

	Development Type										
	Mixed Use	Regional Retail Center	Neighborhood Shopping Center	Office	Industrial Park or Distribution Ctr	Low Density Single Family & Agriculture Uses (>1 acre)	Medium Density Single Family (0.25-1 acre)	High Density Single Family (<0.25 acre)	Attached Housing	Multifamily (for sale or rent units)	Cluster Development
CHARACTER DISTRICTS											
Green Growth District	●	×	●	●	×	○	●	●	●	○	●
Emerging Growth District	●	○	●	●	×	○	●	●	●	○	●
Heritage District	●	×	●	●	×	×	●	●	●	○	○
Industrial Growth District	○	×	×	○	●	○	×	×	×	○	○
Business Growth District	●	○	○	●	○	×	×	○	○	○	○
Interstate Corridor	●	●	×	●	○	×	×	×	×	●	×
MIXED USE NODES											
Neighborhood Node	●	×	●	●	×	×	○	○	●	●	○
Community Node	●	×	×	●	×	×	×	○	●	●	○
Business Node	●	×	×	●	●	×	×	×	○	●	×
Regional Node	●	●	×	●	×	×	×	×	×	●	×
Downtown Node	●	○*	●	●	×	×	○	○	○	●	×
● Appropriate ○ Conditional × Not Appropriate											

Notes:

* Regional retail in the downtown node would include destination shops such as antique shops and other destination boutique stores.

Furthermore, the land, being situated with frontage on the IH 35 frontage road, naturally lends itself to intense Commercial/Office/Retail uses such as would be allowed in the C3/R3 district, but contingent upon site conditions that favor such development. Some of the subject parcels have frontage on Main Street, Old San Antonio Road, and Manchaca Springs Road in addition to fronting on IH 35. Development along Old San Antonio Road and Main Street is subject to the Gateway Corridor Overlay standards which take into consideration roadway speeds as they relate to factors such as build to lines, building heights, etc.

The Interstate Corridor Overlay district also applies to these parcels, being that they are within 1,250 feet of the IH 35 right-of-way.

City Council will conduct their required public hearing and consider the first reading of the initial zoning ordinance at their June 4th, 2013 meeting.

3. FINANCIAL IMPACT

The proposed tracts fall within the City of Buda's water service area, therefore, water shall be provided by the City of Buda (property owner to pay for any extension necessary). Wastewater service is currently provided through privately-owned on-site sewage facilities (OSSF); however, the City of Buda has sufficient capacity to provide sanitary sewer to the areas should the property owner, at the expense of the owner, want to tie in. Some properties are already served by wastewater through development agreements. Wastewater collection is located on Main Street.

The property will be subject to property tax and sales tax upon annexation. The property will be assessed property tax for 2014, but revenues will not be collected until 2015. Based on current appraised value and the city's current 0.2713 ad valorem tax rate, the resulting tax benefit to the City is \$4,032 (not including sales tax). Sales tax revenue will be collected immediately upon annexation and notification will be sent to the Comptroller's office. This annexation area includes a number of properties that currently, or are capable of, producing sales tax revenue, though currently development is encumbered by environmental issues related to its prior use as a landfill. As Council is aware, the state allows cities to collect 2 cents in sales tax; however, the city's collection in sales tax for general fund purposes is at a ½ cent due to the following breakdown: County- ½ cent, ESD #8 - ½ cent, Buda Economic Development Corp (4B).- ½ cent, and City of Buda - ½ cent.

4. ACTION OPTIONS/RECOMMENDATION

This is the public hearing for public comment only – the City Council shall not take action at this time. City Council should allow any interested parties to enter into the record any oral or written comments regarding the matter at hand.

Deliberation and possible action regarding the initial zoning of the subject land will be considered under Regular Agenda.

5 ENCLOSURES